

**REMARKS/ARGUMENTS**

Claims 1-14 and 21-34 are pending in the application. Claims 1, 8, 21, and 28 are amended. The amendments to the claims as indicated herein do not add any new matter to this application.

I. CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1-14 and 21-34 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chauhan U.S. Patent No. 6,115,752 (hereinafter “Chauhan”) in view of Gurijala et al U.S. Patent No. 6,601,090 (hereinafter “Gurijala”). This rejection is respectfully traversed.

Claim 1 has been amended to clarify the claimed invention and appears as follows:

1. A method, comprising:
  - receiving a request on a DNS server from a client for a web page at a first web address, the first web address including a hostname;
  - determining traffic loads of a plurality of mirrored customer web servers each addressable by the requested hostname among a customer’s plurality of web servers, each of the customer web servers storing the web page;
  - determining a customer web server from the plurality of mirrored customer web servers that is appropriate for the request, the customer web server having a traffic load that is optimal over traffic loads of remaining customer web servers from the plurality of mirrored customer web servers according to optimal customer web server selection rules defined on a per domain name basis;
  - determining an IP address of the customer web server;
  - sending the IP address of the customer web server to the client;
  - receiving a request from the client for static content on the web page at a second web address, the second web address specifying a network of caching servers;
  - determining service metrics of a set of caching servers each addressable by the second web address in the network of caching servers, the network of caching servers does not include the customer’s plurality of web servers;
  - wherein a customer is a customer of a service for use of the network of caching servers managed by the service that stores static content for the customer;
  - determining a caching server from the set of caching servers that is appropriate for the request for static content, the caching server having service metrics that are

optimal over service metrics of remaining caching servers from the set of caching servers according to optimal caching server selection rules defined on a per domain name basis;  
determining an IP address of the caching server; and  
delivering the IP address of the caching server to the client.

In particular, neither Chauhan, nor Gurijala, alone or in combination, teach or disclose determining a customer web server from the plurality of mirrored customer web servers that is appropriate for the request, the customer web server having a traffic load that is optimal over traffic loads of remaining customer web servers from the plurality of mirrored customer web servers **according to optimal customer web server selection rules defined on a per domain name basis** as cited in Claim 1. Chauhan clearly discloses no differentiation between the treatment of domain names. Col. 7, lines 24-42 state:

“A preferred method according to an embodiment of the present invention of best route determination (step 508 of FIG. 5) can be described in connection with references to FIGS. 4 and 6. In initiating best route determination, the ONS 404 requests from all the mirrored servers *406a-406b* the round trip time to the LNS 402 via step 600. Each mirrored server *406a-406b* then sends a name query to the LNS 402 via step 602. The LNS 402 then replies with an error message stating that the requested name does not exist via step 604. Each mirrored server *406a-406b* then determines the round trip time from the time the name query was sent to the time the error message was received via step 606. Each mirrored server *406a* and *406b* then sends its round trip time to the ONS 404 via step 608. The ONS 404 can then determine which mirrored server has the best route for this particular LNS 402 via step 610. The best route is equivalent to the fastest route. The best route is then stored for a predetermined time via step 612.”

Further, Gurijala makes no mention of the cited features as Gurijala is concerned with an intranet web caching proxy that also makes no differentiation between the treatment of domain names.

In the same manner, neither Chauhan, nor Gurijala, alone or in combination, teach or disclose determining a caching server from the set of caching servers that is appropriate for the request for static content, the caching server having service metrics that are optimal over service

metrics of remaining caching servers from the set of caching servers **according to optimal caching server selection rules defined on a per domain name basis** as cited in Claim 1.

Additionally, the Final Office Action makes a statement in support of its rationale to combine Chauhan and Gurijala that mischaracterizes Gurajila. The Final Office Action states (emphasis added):

**“Gurijala teaches the use of web cache servers wherein an Intranet/customer accesses web cache servers for static content requested by a client within the Intranet,** to decrease costs associated with Internet accesses being used to access the content, with the Web cache servers residing between the Intranet and Internet, and thus, different servers from the internet servers the client is trying to access (at least col. 1 :40-67; col. 6:2-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Gurijala's cache servers into Chauhan's system as this would further enhance Chauhan's system to lessen load and traffic and charges/fees on mirror sites and use Chauhan's optimizing address name translating with Gurijala's cache servers so as to limit external accesses to data resulting in costs and load decreases, as Gurijala teaches. Further, it is very well known in the art to use proxy / caching servers to serve static content from a host to clients, as Gurijala teaches, and to also use mirror servers as Chauhan teaches.”

Gurajila makes no distinction between static and dynamic customer content. Gurajila states in col. 1, lines 40-67:

“Internet accesses require usage of external data links, the owners of such data links charging for the Internet accesses. In order to recapture the costs associated with these operations, administrators of the Intranets attempt to modify web client behavior to reduce the number of Internet accesses. However, establishing policies to reduce Internet accesses by the web clients typically fail. Web clients (on the Intranet) require the valuable resources available on the Internet and are not easily dissuaded.

Thus, in order to limit the volume of Internet accesses from the Intranet, some Intranets include Web Cache Servers (WCSs) which are implemented in conjunction with network proxies that reside between the Intranet and the Internet. Each web proxy services an associated set of web clients. When a web client requests that the object be accessed, the web client sends a request to the WCS, the WCS accesses the object, stores a copy of the object internally and sends a copy to the web client. On subsequent accesses of the object by any of an associated set of web clients, the cached object is returned to the web client and no Internet access is required.

By providing the WCS at the network proxy, the volume of external accesses (to the Internet) decreases and assessed costs also decrease. Further a reduction in external

accesses decreases security risks, decreases load on the Internet, decreases load on the external web servers (coupled to the Internet that store the object), improves response times to the web clients and reduces the load on the Intranet Firewall.”

Col. 6, lines 2-15 state (emphasis added):

“These CNS and WCSs usage levels may be used in allocating charges to the WCs. This information may also be used to determine when more than one copy of an object should be cached and/or the object should be frequently updated. Because some objects are frequently requested (e.g., world news, company news, intra-company communications, etc.) servicing of these object requests may be distributed on more than one WCS.

**Further, if an object is frequently requested, it may indicate that the content of the object changes frequently over time (e.g., stock prices, commodity prices, sports information, etc.). In such case, the CNS should periodically remove the object entry so that new copies of the object will be frequently obtained from the object's source.”**

In actuality, Gurajila makes a statement that is contrary to the Final Office Action’s statement that **“Gurijala teaches the use of web cache servers wherein an Intranet/customer accesses web cache servers for static content requested by a client within the Intranet”**.

Contrary to the Final Office Action’s statement, Gurajila discloses that there is no discernment between storing only static and not dynamic content, but rather, **all** content is cached by Gurajila’s system, not just static content. Therefore, the Final Office Action has clearly mischaracterized Gurajila. The Final Office Action’s reasoning for combining Chauhan and Gurajila is defective and is technically not valid and is **not** a sufficient establishment of a *Prima facie* case of obviousness.

Claim 1 is allowable. Claims 8, 21, and 28 are also allowable. Claims 2-7, and 9-14 are dependent upon independent Claims 1 and 8, respectively. Claims 22-27, and 29-34 are dependent upon independent Claims 21 and 28, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

## II. CONCLUSION

Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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